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O'BANION & RITCHEY LLP
INTELLECTUAL PROPERTY ATTORNEYS

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400 Capitol Mall, Suite 1550
Sacramento, California 95814
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Fax (916) 498-1074

February 19, 2004

TELECOPIER TRANSMITTAL SHEET**TELECOPY TO:** COMMISSIONER FOR PATENTS**FAX NUMBER:** (703) 746-9195**FROM:** JOHN P. O'BANION**RE:** 10/606,128
UC00-300-2US**CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8)**

I hereby certify that the enclosed:

1. SECOND REQUEST FOR CORRECTED FILING RECEIPT (2 PAGES)
2. COPY OF CORRECTED FILING RECEIPT MAILED 12/23/2003 (2 PAGES)
3. COPY OF UPDATED FILING RECEIPT MAILED 12/23/2003 (2 PAGES)
4. COPY OF DECISION ON PETITION MAILED 08/07/1999 (2 PAGES)

are being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-746-9195) on
19 February 2004.

JOHN P. O'BANION

(Type or print name of person signing certificate)


(Signature)☒ Original will not follow

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NUMBER OF PAGES SENT (INCLUDING COVER SHEET): 9

IF THERE ARE ANY PROBLEMS OR QUESTIONS, PLEASE CONTACT US AT (916) 498-1010. OUR FAX NO. IS (916) 498-1074.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/606,128 Confirmation No.: 3639
Applicant : ANDREW A. FRANK
Title : METHOD FOR CONTROLLING THE OPERATING
CHARACTERISTICS OF A HYBRID ELECTRIC VEHICLE
Filed : 06/24/2003
TC/A.U. :
Examiner :
Docket No. : UC00-300-2US
Cust. No. : 8156

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

SECOND REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

The Applicant herein respectfully requests correction of an error made by the USPTO in the Filing Receipt mailed on 09/12/2003, and on the Corrected Filing Receipt mailed on 12/23/2003.

APPLICANT FILED A REQUEST FOR A CORRECTED FILING RECEIPT ON 11/12/2003 BUT THE CORRECTED FILING RECEIPT IS STILL INCORRECT.

1. The Corrected Filing Receipt, a copy of which is enclosed, refers in the Domestic Priority Data to:

"which is a CON of PCT/US99/09880 05/17/1999"

2. The information should read:

"which is a CON of PCT/US99/09880 04/19/1999"

3. PCT/US99/09880 was filed on 04/19/1999 and the USPTO originally assigned an incorrect filing date. The Applicant filed a petition on 05/17/1999 to correct the filing date to 04/19/1999, which petition was granted.

4. A copy of the Decision on Petition dated 08/07/1999 is enclosed in which the USPTO was directed to correct the filing date of PCT/US99/09880 to 04/19/1999.

Page 1

Appl. No.: 10/606,128

In view of the foregoing, the Applicant respectfully requests that the USPTO correct its records to show that PCT/US99/09880 has an international filing date of 04/19/1999, and that a Corrected Filing Receipt be issued.

Date: _____

Respectfully submitted,

John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010

Attachment



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/606,128	06/24/2003	3618	450	UC00-300-2US	7	6	3

CONFIRMATION NO. 3639

8156
JOHN P. O'BANION
O'BANION & RITCHEY LLP
400 CAPITOL MALL SUITE 1550
SACRAMENTO, CA 95814

CORRECTED FILING RECEIPT

OC000000011559496

Date Mailed: 12/23/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Andrew A. Frank, Davis, CA;

Assignment For Published Patent Application

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA;

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US02/00220 01/03/2002
which claims benefit of 60/259,662 01/03/2001
This application 10/606,128
is a CIP of 09/677,288 10/02/2000
which is a CON of PCT/US99/09880 05/17/1999
which is a CIP of 09/063,993 04/21/1998 PAT 6,054,844
This application 10/606,128
is a CIP of 09/063,995 04/21/1998 PAT 6,116,363

04/19/1999

Foreign Applications

If Required, Foreign Filing License Granted: 09/11/2003

Projected Publication Date: 04/01/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method for controlling the operating characteristics of a hybrid electric vehicle

Preliminary Class

180

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

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10/606,128	06/24/2003	3618	450	UC00-300-2US	7	6	3

CONFIRMATION NO. 3639

8156

JOHN P. O'BANION
 O'BANION & RITCHEY LLP
 400 CAPITOL MALL SUITE 1550
 SACRAMENTO, CA 95814

UPDATED FILING RECEIPT



OC000000011551485

Date Mailed: 12/23/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

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which is a CIP of 09/063,993 04/21/1998 PAT 6,054,844

This application 10/606,128

is a CIP of 09/063,995 04/21/1998 PAT 6,116,363

(*)Data provided by applicant is not consistent with PTO records.

04/19/1999

Foreign Applications

If Required, Foreign Filing License Granted: 09/11/2003

Projected Publication Date: 04/01/2004

Non-Publication Request: No

Early Publication Request: No

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Preliminary Class

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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07 AUG 1999

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Patent Cooperation Treaty
Legal Office

 Address: Assistant Commissioner for Patents
 Box PCT
 Washington, D.C. 20231

John P. O'Banion
 GERBER, RITCHEY & O'BANION
 400 Capitol Mall, Suite 1550
 Sacramento, CA 95814

In re Application of
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA:
 PCT No.: PCT/US99/09880
 Int. Filing Date: 19 April 1999
 Priority Date: 21 April 1998
 Attorney's Docket No.: UC98-194-2P
 For: **CONTROL METHOD AND APPARATUS FOR**
INTERNAL COMBUSTION ENGINE ELECTRIC
HYBRID VEHICLES

DECISION ON

PETITION

UNDER 37 CFR 1.182

This decision is in response to the PETITION filed 17 May 1999 and SECOND PETITION filed 02 July 1999 requesting that international filing date of 19 April 1999 be accorded the above international application.

On 24 April 1999, applicant deposited a purported international application consisting of a Transmittal Letter to the United States Receiving Office, Request (Form PCT/RO/101), description, claims, abstract, drawings, a fee calculation sheet, and a check. The RO/US on 12 May 1999 mailed to applicant an "INVITATION TO CORRECT THE PURPORTED INTERNATIONAL APPLICATION" (Form PCT/RO/103) indicating the purported international application does not fulfill the requirements under Article 11(1) for the according of an international filing date because the application does not contain a part which on its face appears to be a description and claims (PCT Article 11(1)(iii)(d) and (iii)(e)). The Invitation also informed applicant that "The international filing date will be the date on which the corrections are received, if that date falls within the time limit indicated above." The time limit was set as one month from the mailing of the "Invitation."

On 17 May 1999, applicant filed a present petition, accompanied by copies of a description (18 Sheets), claims (4 sheets), abstract sheet (1 sheet), drawings (9 sheets) and an itemized post card stamped with a PCT/PTO stamp with a date of 19 April 1999. The card indicates that the above-identified international application was with the aforementioned items.

Application No.: PCT/US99/09880

-2-

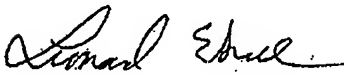
Applicant's evidence is being accepted that the international application deposited with the Patent and Trademark Office on 11 December 1998 contained 18 sheets of description, 4 sheets of claims, an abstract and 9 sheets of drawings.

On 06 August 1999, applicant filed a copy of the Customer Receipt of the "Express Mail" mailing label #EL348669591US. The mailing label was addressed to the "BOX PCT, ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513 ATTN RO/US" and shows a "Date In" of "4/19/99."

The evidence of record is sufficient to establish with reasonable certainty that the international application papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 19 April 1999. Specifically, the "Express Mail" label number ("#EL348669591US") appears on "Express Mail" certificate on the Transmittal Letter. Additionally, the number UC98-194-2P appears on the "Express Mail" label which is the same as the attorney docket number appearing on the Request and the Transmittal Letter. The indication of the "Express Mail" label number appearing on the Transmittal Letter ties the "Express Mail" label and the Transmittal Letter together such that it is clear that the international application was deposited on 19 April 1999.

Accordingly, applicant's request that the receiving Office correct the international filing date to 19 April 1999 is GRANTED.

The application is being returned to the US Receiving Office to correct the international filing date of the present international application to 19 April 1999 and to promptly notify the International Bureau and the international searching authority ISA/US.



Leonard E. Smith
PCT Legal Examiner
PCT Legal Office

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Facsimile: (703) 308-6459